

## **REMARKS**

Claims 1-2, 4-8, 10-21, 23-36 and 38-40 are pending in the application. All pending claims stand rejected. Claims 7, 13, 16-20 and 34 have been amended. In view of the following, all previously unallowed claims are in condition for allowance.

### **Rejection of Claims 13 and 16-17 Under 35 U.S.C. 102(b) As Being Anticipated** **By Williams**

#### **Claim 13**

Claim 13 recites a base unit including a circuit that detects a remote electronic apparatus associated with a person and causes a device communicatively coupled to the base unit to recall and operate according to a user profile in response to detecting the electronic apparatus.

For example, referring to FIG. 3 and paragraphs 32-35 of the present application, a base unit 50 allows an apparatus 12 to communicate with a single unit instead of individual devices communicating with the base unit 50 over respective paths. The apparatus 12, via the base unit 50, causes each of the devices to recall the respective profile of a person 30, thus eliminating the need for the person to manually recall his profiles for each respective device.

Williams, on the other hand, fails to teach a base unit having a circuit that causes a device communicatively coupled to the base unit to recall a user profile. Williams, at, *e.g.*, FIGS. 1 and 3 and col. 10, lines 26-41, teaches a system 100 (base unit) having a system controller 104 (circuit) that prompts a system user to identify himself. For example, the system controller 104 may provide a window on a television/monitor 102 wherein a number of pictures of possible system users are displayed, in order to request that the user affirmatively respond via, *e.g.*, remote control (electronic apparatus) when their picture is displayed. If the match is verified as being accurate, then the system controller 104 configures devices (*e.g.*, television, stereo receiver, *etc.*) according to preferences of the identified user. That is, only the system controller 104, and none of the devices of which the system 100

is comprised, recalls a user profile. As such, Williams in no manner teaches that a device coupled to the system controller 104 or system 100 recalls a user profile.

#### **Claims 16-17**

Claims 16-17 are patentable by virtue of their dependency from claim 13.

### **Rejection of Claims 1-2, 4, and 6 Under 35 U.S.C. 103(a) As Being Unpatentable Over Croy In View of Kemink**

#### **Claim 1**

Claim 1 recites a circuit that causes a device to operate according to a predetermined user profile of a person when the person is within a predetermined distance from the device.

For example, referring to FIG. 1 and paragraph 19 of the present application, an automobile 14 includes a profile circuit 18 that causes the automobile to recall the profile of a driver 10 in response to an apparatus 12 carried by the driver. Typically, the circuit 18 communicates with the seat, mirror, climate, and other controls in order to set these controls according to the preferences included in the driver's profile.

Croy, on the other hand, fails to teach a circuit causing a device to operate according to a predetermined user profile. Croy, at, *e.g.*, FIGS. 1 and 2 and the abstract, teaches a hand-held device and system for monitoring and controlling electronic devices. The device and system comprise a base station 100, including a microcontroller and an interface coupled to the microcontroller for receiving external information, and a personal navigator (PN) 200 coupled to the base unit via a data link.

The Applicant's attorney reiterates the position that the reader of the Croy reference has no meaningful way of understanding how personal profiles are generated and employed in Croy's system. The Applicant's attorney acknowledges that Croy teaches a hand-held device that can control an electronic device and store "personal profiles." However, it is respectfully submitted that the Examiner has not

shown with specificity where in the Croy reference it is taught that a circuit causes a device remote from the circuit to operate according to a predetermined user profile of a person.

Kemink fails to supply the teachings missing from Croy, namely a circuit that causes a device to operate according to a predetermined user profile of a person when the person is within a predetermined distance from the device. Therefore, this combination of references fails to render claim 1 obvious.

**Claims 2, 4 and 6**

Claims 2, 4 and 6 are patentable by virtue of their dependency from claim 1.

**Rejection of Claim 5 Under 35 U.S.C. 103(a) As Being Unpatentable Over Croy  
In View of Kemink And Further In View of Luff**

Luff fails to supply the teachings missing from Croy and Kemink, namely a circuit causing a device to operate according to a predetermined user profile of a person when the person is within a predetermined distance from the device. Therefore, this combination of references fails to render claim 1 obvious. As such, claim 5 is patentable by virtue of its dependency from claim 1.

**Rejection of Claims 7, 9, 15, 20, 22 and 27 Under 35 U.S.C. 103(a) As Being  
Unpatentable Over Williams In View of Kemink**

**Claims 7 and 20**

Claims 7 and 20 recite a circuit that detects an electronic apparatus that uniquely corresponds to a person and that causes a device to operate according to a user profile in response to such detection.

For example, referring to FIG. 1 and paragraphs 19 and 23 of the present application, an automobile 14 includes a profile circuit 18 that causes the automobile to recall the profile of a driver 10 in response to an apparatus 12 carried by the driver. Typically, the circuit 18 communicates with the seat, mirror, climate, and

other controls in order to set these controls according to the preferences included in the driver's profile. If the driver 10 has previously loaded his profile into the circuit 18, then the apparatus 12 identifies the driver 10 to the circuit 18 so that the circuit 18 can recall the corresponding profile.

Williams, on the other hand, fails to teach an electronic apparatus that uniquely corresponds to a person. The Applicant's attorney reiterates the position that the user of the Williams system must, using a remote control, identify himself from among a "number" of potential users before achieving system configuration. As such, because a number of different users may identify themselves to the system using the same remote control, the remote control does not uniquely correspond to a system user.

Kemink fails to supply the teachings missing from Williams, namely an electronic apparatus that uniquely corresponds to a person. Therefore, this combination of references fails to render claims 7 and 20 obvious.

#### **Claims 9 and 22**

Claims 9 and 22 have been canceled from the application.

#### **Claim 15**

Kemink fails to supply the teachings missing from Williams, namely a base unit having a circuit that causes a device communicatively coupled to the base unit to recall a user profile. Therefore, this combination of references fails to render claim 13 obvious. As such, claim 15 is patentable by virtue of its dependency from claim 13.

#### **Claim 27**

Kemink fails to supply the teachings missing from Williams, namely an electronic apparatus that uniquely corresponds to a person. Therefore, this combination of references fails to render claim 20 obvious. As such, claim 27 is patentable by virtue of its dependency from claim 20.

**Rejection of Claims 8, 14, and 21 Under 35 U.S.C. 103(a) As Being Unpatentable Over Williams In View of Kemink And Further In View of Croy**

**Claims 8 and 21**

Croy fails to supply the teachings missing from Williams and Kemink, namely an electronic apparatus that uniquely corresponds to a person. Therefore, this combination of references fails to render claims 7 and 20 obvious. As such, claims 8 and 21 are patentable by virtue of their respective dependencies from claims 7 and 20.

**Claim 14**

Croy fails to supply the teachings missing from Williams and Kemink, namely a base unit having a circuit that causes a device communicatively coupled to the base unit to recall a user profile. Therefore, this combination of references fails to render claim 13 obvious. As such, claim 14 is patentable by virtue of its dependency from claim 13.

**Rejection of Claims 10 and 16 Under 35 U.S.C. 103(a) As Being Unpatentable Over Williams In View of Kemink And Further In View of Liebenow**

**Claim 10**

Liebenow fails to supply the teachings missing from Williams and Kemink, namely an electronic apparatus that uniquely corresponds to a person. Therefore, this combination of references fails to render claim 7 obvious. As such, claim 10 is patentable by virtue of its dependency from claim 7.

**Claim 16**

Liebenow fails to supply the teachings missing from Williams and Kemink, namely a base unit having a circuit that causes a device communicatively coupled to the base unit to recall a user profile. Therefore, this combination of references fails to render claim 13 obvious. As such, claim 16 is patentable by virtue of its dependency from claim 13.

**Rejection of Claims 11-12 and 18-19 Under 35 U.S.C. 103(a) As Being Unpatentable Over Williams In View of Kemink And Further In View of Luff**

**Claims 11-12**

Luff fails to supply the teachings missing from Williams and Kemink, namely an electronic apparatus that uniquely corresponds to a person. Therefore, this combination of references fails to render claim 7 obvious. As such, claims 11-12 are patentable by virtue of their respective dependencies from claim 7.

**Claims 18-19**

Luff fails to supply the teachings missing from Williams and Kemink, namely a base unit having a circuit that causes a device communicatively coupled to the base unit to recall a user profile. Therefore, this combination of references fails to render claim 13 obvious. As such, claims 18-19 are patentable by virtue of their respective dependencies from claim 13.

**Rejection of Claims 23-24 Under 35 U.S.C.103(a) As Being Unpatentable Over Williams In View of Kemink And Further In View of Orthmann**

Orthmann fails to supply the teachings missing from Williams and Kemink, namely an electronic apparatus that uniquely corresponds to a person. Therefore, this combination of references fails to render claim 20 obvious. As such, claims 23-24 are patentable by virtue of their dependency from claim 20.

**Rejection of Claims 25-26 Under 35 U.S.C. 103(a) As Being Unpatentable Over Williams In View of Kemink And Further In View of Doviak**

Doviak fails to supply the teachings missing from Williams and Kemink, namely an electronic apparatus that uniquely corresponds to a person. Therefore,

this combination of references fails to render claim 20 obvious. As such, claims 25-26 are patentable by virtue of their dependency from claim 20.

**Rejection of Claim 28 Under 35 U.S.C. 103(a) As Being Unpatentable Over Williams In View of Kemink And Further In View of Othmer**

Othmer fails to supply the teachings missing from Williams, namely an electronic apparatus that uniquely corresponds to a person. Therefore, this combination of references fails to render claim 20 obvious. As such, claim 28 is patentable by virtue of its dependency from claim 20.

**Rejection of Claim 29 Under 35 U.S.C. 103(a) As Being Unpatentable Over Williams In View of Kemink And Further In View of Gehrke**

Gehrke fails to supply the teachings missing from Williams, namely an electronic apparatus that uniquely corresponds to a person. Therefore, this combination of references fails to render claim 20 obvious. As such, claim 29 is patentable by virtue of its dependency from claim 20.

**Rejection of Claims 30 and 32-33 Under 35 U.S.C. 103(a) As Being Unpatentable Over Kemink In View of Croy**

**Claim 30**

Claim 30 recites a base unit operable to cause a satellite device to operate according to a user profile in response to detecting an electronic apparatus.

For example, referring to FIG. 3 and paragraphs 32-35 of the present application, a base unit 50 allows an apparatus 12 to communicate with a single unit instead of each one of individual devices communicating with the base unit 50 over respective paths. The apparatus 12, via the base unit 50, causes each of the devices to recall the respective profile of a person 30, thus eliminating the need for the person to manually recall his profiles for each respective device.

Kemink, on the other hand, fails to teach or suggest a base unit operable to cause a satellite device to operate according to a user profile in response to detecting an electronic apparatus. The Applicant's attorney reiterates the position that the information source 240 of Kemink, cited by the Examiner as being a base unit, does not in any manner cause a device, such as the appliance 210b<sup>1</sup>, to operate at all, much less according to a user profile. The Examiner cites col. 4, line 64 – col. 5, line 9 of Kemink as teaching that the base information source 240 causes a device to operate according to a user profile. However, the portion of Kemink cited by the Examiner fails to mention the information source 240, much less teach that the information source causes operation of a device.

Moreover, because Croy fails to supply the teachings missing from Kemink, namely a base unit operable to cause a satellite device to operate according to a user profile in response to detecting an electronic apparatus, claim 30 cannot fairly be said to be obvious in view of Kemink and Croy.

#### **Claims 32-33**

Claims 32-33 are patentable by virtue of their dependency from claim 30.

#### **Rejection of Claim 31 Under 35 U.S.C. 103(a) As Being Unpatentable Over Kemink In View of Croy And Further In View of Gehrke**

Gehrke fails to supply the teachings missing from Kemink and Croy, namely a base unit operable to cause a satellite device to operate according to a user profile in response to detecting an electronic apparatus. Therefore, this combination of references fails to render claim 30 obvious. As such, claim 31 is patentable by virtue of its dependency from claim 30.

#### **Rejection of Claims 34-36 and 38-40 Under 35 U.S.C. 103(a) As Being Unpatentable Over Gehrke In View of Waraksa**

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<sup>1</sup> The item designated by the reference numeral 124 that the Examiner refers to as a device is actually a control signal (see col. 6, lines 15-22).



### **Claim 34**

Claim 34 recites sensing a person associated with a user profile when the person is within a predetermined distance from a device storing the user profile.

For example, referring to FIG. 1 and paragraphs 19 and 21 of the present application, an automobile 14 includes a profile circuit 18 that causes the automobile to recall the profile of a driver 10 in response to an apparatus 12 carried by the driver.

Gehrke, on the other hand, fails to teach sensing a person associated with a user profile when the person is within a predetermined distance from a device storing the user profile. Gehrke, at, *e.g.*, FIG. 1 and col. 4, lines 3-51, teaches user-specific information (user profile) being stored in a transponder 16. The user, carrying the transponder 16, proceeds to a vehicle (device). Subsequently, the user information stored in the transponder 16 is transmitted to a control unit 20 in the vehicle that customizes the vehicle according to the user information. As such, unlike the claimed method, the control unit 20 of the device (vehicle) of Gehrke does not store a user profile of a person prior to sensing the person.

Waraksa fails to supply the teachings missing from Gehrke, namely sensing a person associated with a user profile when the person is within a predetermined distance from a device storing the user profile. Therefore, this combination of references fails to render claim 34 obvious.

### **Claims 35-36 and 38-40**

Claims 35-36 and 38-40 are patentable by virtue of their dependency from claim 34.

### **CONCLUSION**

In view of the foregoing, all pending and unallowed claims are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes that a telephone conference would expedite prosecution of this application, please telephone the undersigned at 425.455.5575.

In the event additional fees are due as a result of this amendment, you are hereby authorized to charge such payment to Deposit Account No. 07-1897.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P.G. Scott Born', written over a horizontal line.

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